

FILED  
U.S. DISTRICT COURT  
DISTRICT OF MARYLAND

2001 SEP 17 P 3:01

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND

UNITED CUTLERY CORPORATION, a \*  
Tennessee Corporation \*  
AT BALTIMORE \*  
DEPUTY Plaintiff \*

vs.

CIVIL ACTION NO. MJG-00-3668

NFZ INC., a Maryland Corporation \*  
d/b/a TURKEY CREEK TRADING \*  
COMPANY; MOHAMMAD ASLAM; and \*  
NAUMAN ASLAM \*

Defendants \*

\* \* \* \* \*

MEMORANDUM AND ORDER

The Court has before it Defendants' Motion to Alter or Amend Judgment. The Court finds that neither a response nor a hearing is necessary.

Defendants contend that a genuine issue of material fact was established because the record contains Rule 26(a)(2) disclosures signed by counsel stating what three witnesses would say.

Rule 56 of the Federal Rules of Civil Procedure provides that:

Summary judgment must be "rendered forthwith if the pleadings, depositions, answers to interrogatories, and admissions on file, together with the affidavits, if any, show that there is no genuine issue as to any material fact and that the moving party is entitled to judgment as a matter of law."

The disclosure statements are completely inadequate to demonstrate genuine issues of material fact. At most they are

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hearsay declarations of counsel as to what counsel says witnesses would say if testifying.

For the foregoing reasons, Defendants' Motion to Alter or Amend Judgment is DENIED.

SO ORDERED this 17th day of September, 2001.

A handwritten signature in black ink, appearing to read "Marvin J. Garbis", is written over a horizontal line.

Marvin J. Garbis  
United States District Judge